

REMARKS

Applicants thank the Examiner for the Office Action of October 14, 2008. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 23 - 32 are pending in this application. Currently rejected claims 12 - 22 have been cancelled, and replaced by new claims 23 - 32. Claims 23 - 32 more clearly define the intended invention, and add no new matter.

Claim Rejections Under 35 U.S.C. § 112:

Claims 12 - 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 12 - 22 have been cancelled, thereby rendering these rejections moot. However, since new claims 23 - 32 are essentially heavily amended versions of claims 12 - 22, Applicants will address the stated § 112 rejections with respect to these new claims.

Claim 12 stands rejected for the ambiguous wording "compressing it more or less to the first pressure". The Examiner also notes, with regard to claim 12, that the term "more or less" is also indefinite. The Examiner further notes, with regard to claim 12, that "injecting it by way of additional feedstock" is unclear. Claim 12 has been replaced with claim 23, which provides positive recitation and antecedence for all terms, as well as removing any such ambiguous or indefinite modifiers..

Claim 13 stands rejected for the ambiguous wording "characterized in that it involves". Claim 13 has been replaced with claim 24, in which all ambiguous or indefinite modifiers have been removed. Applicants apologize for any confusion that this previous claim set may have caused.

Claim Rejections Under 35 U.S.C. § 102:

Claims 12 – 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Al-Babtain '702. Claims 12 – 22 have been cancelled, thereby rendering these rejections moot. However, since new claims 23 – 32 are essentially heavily amended versions of claims 12 – 22, Applicants will address the stated § 102 rejections with respect to these new claims. Applicants respectfully submit that claims 23 – 32 are not anticipated by Al-Babtain '702.

Both new claim 23, and currently cancelled claim 12, require that the waste gas stream from the PSA be compressed and combined with the fuel gas mixture that is flowing through a fuel gas mixture distribution network.

“introducing said compressed waste gas stream into a fuel gas mixture distribution network, wherein said fuel gas mixture distribution network contains a fuel gas mixture comprising hydrogen, thereby producing a blended stream,” (new claim 23)

“with compressed waste being sent to a fuel gas mixture distribution network at a second pressure (P_2), lower than the pressure (P_1), and containing hydrogen,” (cancelled claim 12)

This feature, at least, is not present within Al-Babtain '702. The skilled artisan referring to Figures 1 and 2 of the Al-Babtain '702 patent would see that the waste gas stream from PSA 40 (stream 60) is not shown being either compressed or re-entering the feed gas to that PSA (stream 30) at all. One skilled in the art would, however, see the waste gas stream from PSA 100 (stream 130) being introduced into Steam Reformer 80.

The above is also echoed in the specification itself, wherein it is noted that “Stream 60 is utilized for fuel elsewhere in the refiner or for other desired purposes.” (*column 3, lines 63 – 64*), and “Tail gas stream 130 from second PSA unit 100 is recycled and reintroduced to steam reformer 80 as fuel gas via furnace 81”. (*column 4, lines 19 – 21*)

Since Al-Babtain '702 fails to disclose every element of new claim 23, this rejection would be improper with respect to this claim. As claims 24 – 32 are dependent upon claim 23, the rejection would be improper vis-à-vis these claims as well.

Conclusion

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

It is not believed that any fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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